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In felony cases less than capital, the defendant has the same right to be present as in capital ones. *State v. Bray*, 67 N. C. 283; 1 BISHOP, NEW CRIM. PRO., § 272. But, by the great weight of authority, the defendant may waive his right to be present at the rendition of the verdict. *State v. Way*, 76 Kan. 928, 93 Pac. 159, 14 L. R. A. (N. S.) 603; *Fight v. State*, 7 Ohio 180, 28 Am. Dec. 626; *State v. Gorman*, 113 Minn. 401, 129 N. W. 589; *State v. Kelly*, 97 N. C. 404, 2 S. E. 185, 2 Am. St. Rep. 299; *Robson v. State*, 83 Ga. 166, 9 S. E. 610. However, he must waive it, and the right can not be arbitrarily taken from him. *Finch v. State*, 53 Miss. 363; *Rose v. State*, 20 Ohio 31.

At common law, in all cases where the jury were not commanded to "look upon" the defendant, as in inferior misdemeanors, the presence of the accused was not necessary at the reception of the verdict. *King v. Ledgingham*, 1 Vent. 97; 1 CHITTY, CRIMINAL LAW 636; *State v. Shepard*, 10 Iowa 126. See *Sawyer v. Joiner*, 16 Vt. 498. By the weight of American authority the general rule seems to be that the defendant has the same right to be present at the rendition of the verdict in misdemeanor cases as in felony cases not capital. At least, he must waive the right, expressly or impliedly, for the verdict to be validly rendered in his absence. *State v. Bland*, 91 Kan. 160, 136 Pac. 947; *Jackson v. State*, 49 N. J. L. 252, 9 Atl. 740. See *Wilkerson v. State*, 14 Ga. App. 475, 81 S. E. 395; *United States v. Loughery*, Fed. Cas. 15,631; *State v. Wamire*, 16 Ind. 357. But the court cannot arbitrarily deprive him of this right. *Lyon v. State*, 7 Ga. App. 50, 66 S. E. 149. See *Corbin v. State*, 99 Miss. 486, 55 South. 43. Nor can his counsel waive the right for him. *Lyon v. State*, *supra*.

FEDERAL COURTS—REMOVAL OF CAUSES—ALLEGATIONS OF DEVICES TO PREVENT JURISDICTION.—The plaintiff was injured while in the employ of the defendant. In a suit for personal injury, alleged to be due to the defendant's negligence in not providing a reasonably safe place for him to work in, the plaintiff joined, as co-defendant with the non-resident corporation, the foreman of the gang of men in which he was employed, such foreman being a resident. The non-resident corporation petitioned for removal of the case to the federal court, alleging generally that it was a non-resident and that the foreman was fraudulently joined as a defendant to prevent removal. Held, the petition is denied, on the ground that it is not sufficient to charge generally or by indefinite averments that the joinder was intended to be in fraud of the jurisdiction. *Hollisfield v. Southern Bell Telephone & Telegraph Co.* (N. C.), 90 S. E. 996. See NOTES, p. 579.

HUSBAND AND WIFE—DUTY TO SUPPORT—EFFECT OF CONTRACT.—The plaintiff agreed to work on the deceased's farm for a yearly wage. After working on the farm for several years, he married the deceased; but made no post nuptial agreement with her as to his wages. He continued to work on the farm after his marriage and no wages were paid him. After his wife's death, he sued the estate for the wages alleged to be due him on the basis of the ante nuptial agreement. Held, the